

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

JOBADIAH SINCLAIR WEEKS

Hon. Michael A. Hammer

CRIMINAL NO.: 19-cr-877-CCC

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD
FOR DEFENDANT JOBADIAH SINCLAIR WEEKS AND MOTION TO CONTINUE
BOND REVOCATION HEARING SCHEDULED FOR AUGUST 16, 2021**

The undersigned attorneys, pursuant to Local Rule 102.1 and Federal Rule of Criminal Procedure 47(a), respectfully request leave of Court to withdraw as counsel of record for Defendant Jobadiah Sinclair Weeks (“Mr. Weeks”). Furthermore, undersigned counsel requests a continuance of the bond revocation hearing scheduled for Monday, August 16, 2021, at 11:00 a.m. As grounds for these motions, counsel states as follows:

1. On December 5, 2019, a New Jersey federal grand jury returned an Indictment charging Mr. Weeks and four co-defendants with one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, and one count of conspiracy to offer and sell unregistered securities, in violation of 18 U.S.C. § 371. (Dkt. 9).

2. On January 7, 2020, attorneys Simon A. Gaugush, Adam P. Schwartz, and Michael L. Yaeger with the law firm of Carlton Fields, P.A., individually filed their Notices of Appearance in this case. (Dkts. 11, 13, and 15).

3. On January 8, 2020, attorney Andrew M. Hinkes with the law firm of Carlton Fields, P.A. filed his Notice of Appearance in this case. (Dkt. 17). Collectively, attorneys Simon

A. Gaugush, Adam P. Schwartz, Michael L. Yaeger, and Andrew M. Hinkes are referred to herein as “counsel of record.”

4. Subsequently, on November 5, 2020, Mr. Weeks pleaded guilty to Count Two of the Indictment for conspiracy to offer and sell unregistered securities. (Dkt. 149). On that same day, Mr. Weeks also pleaded guilty to an Information charging him with one count of tax evasion, in violation of 26 U.S.C. § 7201. (Dkt. 145, 146).

5. Mr. Weeks is scheduled for a sentencing hearing 13 months from now, on September 14, 2022, at 9:30 a.m. before U.S. District Judge Claire C. Cecchi (Text order).

6. On August 6, 2021, the government filed a motion to revoke Mr. Weeks’ bail. This Court scheduled a bond revocation hearing for Monday, August 16, 2021, at 11:00 a.m. (Dkt. 201).

7. On August 12, 2021, Mr. Weeks terminated the legal services of the above-referenced counsel of record. It is Mr. Weeks’ request that counsel of record withdraw as his attorneys in this case. Mr. Weeks intends to retain new counsel to represent him in this case.

8. Attorney Schwartz is licensed to practice law in the state of New Jersey. Attorneys Gaugush, Schwartz, and Hinkes are licensed to practice law in the State of Florida. And attorney Yaeger is licensed to practice law in the state of New York. Pursuant to Local Rule 103.1(a), “The Rules of Professional Conduct of the American Bar Association as revised by the New Jersey Supreme Court shall govern the conduct of the members of the bar admitted to practice in this Court, subject to such modifications as may be required or permitted by Federal statute, regulation, court rule or decision of law.” D.N.J. L. R. 103.1(a). According to Rule 4-1.16(a)(3) of the Florida Rules of Professional Conduct, “a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a

client if . . . (3) the lawyer is discharged[.]” *See* Rule 4-1.16(a)(3), Fla. R. Prof. Ct. (emphasis added); Rule 1.16(a)(3), N.J. R. Prof. Ct. (same); Rule 1.16(b)(3), N.Y. R. Prof. Ct. (“[A] lawyer shall withdraw from the representation of a client when . . . (3) the lawyer is discharged[.]”). As of today, all counsel of record have been discharged from representation of Mr. Weeks. However, pursuant to Local Rule 102.1, “[u]nless counsel is substituted, no attorney may withdraw an appearance except by leave of Court.” *See* D.N.J. Loc. R. 102.1. Accordingly, counsel of record hereby seek leave of Court to withdraw as counsel of record in the above-referenced case. Given that Mr. Weeks’ sentencing hearing is scheduled more than 13 months from today, no prejudice should come to him or the government by granting this motion.

9. In addition, the government has a pending motion for revocation of bond. Mr. Weeks intends to hire new counsel to represent him in this revocation hearing. Undersigned counsel hereby requests that the Court grant Mr. Weeks’ motion to continue the revocation hearing for a reasonable period of time so that Mr. Weeks may secure new counsel to represent him in this matter.

10. Undersigned counsel has conferred with AUSA Anthony Torntore who represents that the government does not oppose a limited continuance of 10 days (August 26) for Mr. Weeks to secure new counsel to represent him in the bond revocation hearing.

WHEREFORE, for all of the reasons set forth above, counsel of record respectfully request that the Court grant this motion and allow them to withdraw from the above-reference case. Furthermore, counsel of record respectfully request that the Court continue the pending

bond revocation hearing for a reasonable period of time for Mr. Weeks to secure counsel to represent him at the hearing and in this case.

Dated: August 12, 2021

Respectfully submitted,

CARLTON FIELDS, P.A.

/s/ Simon A. Gaugush

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Counsel for Defendant Jobadiah Weeks

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2021, the aforementioned document was filed with the Clerk of Court via CM/ECF which will, in turn, send a Notice of Electronic Filing to all counsel of record.

/s/ Simon A. Gaugush

Simon A. Gaugush